

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**KEVIN KEAY,**  
an individual,

Plaintiff,

v.

**JEREMY CURTIS,**  
an individual,

Defendant.

Case No. 3:19-cv-01481-YY

OPINION AND ORDER

**MOSMAN, J.,**

On October 7, 2019, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [9], recommending that this case should be dismissed without prejudice for failure to state a claim for relief. Neither party objected.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R

depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### **CONCLUSION**

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [9] in full. I DISMISS the case without prejudice for failure to state a claim for relief.

IT IS SO ORDERED.

DATED this 17 day of November, 2019.

  
MICHAEL W. MOSMAN  
Chief United States District Judge